REMARKS

Claims 1-13 are currently pending in the subject application. Claims 6-8, 11 and 12 have been withdrawn from further consideration. It is believed that this paper is fully responsive to the Office Action dated December 21, 2010.

A. The Examiner has objected to Figure 9.

Applicants respectfully traverse this objection, for the following reasons.

The Examiner has indicated that Figure 9 should be designated by a label such as "Prior Art." However, the Examiner has not demonstrated that Figure 9 satisfies any criteria for "prior art" under 35 U.S.C. §§102 or 103. Accordingly, Applicants take the position that the Examiner should withdraw this objection.

The Examiner is currently assuming that Figure 9 is prior art.

It is noted that the term "Prior Art" is specifically defined by 35 U.S.C. §§ 102 and 103. There exist numerous exceptions such that "that which is old" may or may not be "Prior Art" within the meaning of 35 U.S.C. §§ 102 and 103.

The Examiner has not demonstrated that Figure 9 satisfies any of the criteria required by 35 U.S.C. §§ 102 and 103. For example, in the objection to Figure 9, the Examiner did not cite a

printed publication describing Figure 9 more than one year prior to the date afforded the subject application.

Some art may be prior art to one inventive entity, but not to the public in general. This is the case when an inventor has made an improvement on his or her own prior invention. An inventor's own foundational work should not be treated as Prior Art solely because knowledge of this work is admitted, unless there is a statutory bar.

"Certain art may be prior art to one inventive entity, but not to the public in general." *In re Fout*, 213 USPQ 532, 535 (CCPA 1982).

In the subject application, Figure 9 is not described using this term: "Prior Art." Figure 9 is described in the section entitled "Background of the Invention," and is described as showing a general method of manufacturing (page 1, lines 23-25). Figure 9 is also identified as depicting a conventional manufacturing step diagram of a solar battery (page 11, lines 5-6). The terms "background," "general," and "conventional" do not have the same scope or meaning as the term "prior art."

For example, there is neither a suggestion nor a teaching in the U.S. patent statutes or in Applicants' application that "Prior Art" is synonymous in breadth and scope with "conventional." A particular structure may be in fact "conventional" and, through an absence of

one or more of the conditions prerequisite under 35 U.S.C. §§ 102 and 103, may not qualify as "Prior Art."

The knowledge of the inventors should not be treated as "Prior Art" solely because the inventors admitted knowledge of the work, unless there is a statutory bar. The Examiner has not demonstrated that there is a statutory bar, regarding Figure 9.

The Applicants or the inventors do not know of any printed publication in which the Fig.9 is depicted.

The Applicants or the inventors do not know of any printed publication in which at least the following quoted portions are written:

(1) "If these organic matters and the flux remain on the surfaces of the cells 12, an energy conversion efficiency of the solar battery deteriorates" (line 10 to line 13, page 2 of the specification).

(2) "A cleaning step of cleaning the cells 12 has been performed to clean and remove residues such as the flux and the organic matters from the surfaces of the cells 12 with warm water, chemicals, steam or the like" (line 14 to line 18, page 2 of the specification).

The Examiner assumed Fig. 9 was prior art. But a combination of features including at least "a cell heating step (cleaning step which includes '<u>steaming</u>' to remove" (written in line 19 to 21, page 3 of the Office Action) is not known in public.

The combination of features in the above point (1) of "If these organic matters and the flux remain on the surfaces of the cells 12, an energy conversion efficiency of the solar battery deteriorates" is not known in public, but the inventors recognize it.

The combination of features in the above point (2) is not known in public. This is the art which the inventors created during the preparation of the present invention.

Accordingly, in view of the above, Fig.9 is not Applicants' Admitted Prior Art (AAPA). Fig.9 is not known in public. The inventors created Fig. 9 during the preparation of the present invention. Fig. 9 is not "prior art" available to be applied against the claims of the subject application.

In view of the foregoing, Applicants are leaving Figure 9 unamended. Applicants respectfully traverse the objection to Figure 9. Figure 9 is not "Prior Art" as defined by 35 U.S.C. §§ 102 and 103.

Applicants respectfully submit that the objection to Figure 9 is improper and should be withdrawn.

B. The Examiner has rejected claims 1, 9, and 10 under 35 U.S.C. §102(b) as being anticipated by Applicant's Admitted Prior Art (**AAPA**).

Applicants respectfully traverse this rejection, for the following reasons.

In the subject application, Figure 9 is not described using this term: "Prior Art."

As discussed in detail in section A above, Figure 9 does not constitute "Applicant's Admitted Prior Art."

Accordingly, Applicants respectfully submit that this rejection of claims 1, 9, and 10 is improper and should be withdrawn.

C. The Examiner has rejected claims 2-5 under 35 U.S.C. §103(a) as being unpatentable over **AAPA** as applied to claim 1 above.

Applicants respectfully traverse this rejection, for the following reasons.

In the subject application, Figure 9 is not described using the term: "Prior Art."

As discussed in detail in section A above, that Figure 9 does not constitute "Applicant's Admitted Prior Art."

Accordingly, Applicants respectfully submit that this rejection of claims 2-5 is improper and should be withdrawn.

D. The Examiner has rejected claim 13 under 35 U.S.C. §103(a) as being unpatentable over **AAPA** as applied to claim 1 above, and further in view of US Patent No. 5,074,920 (**Gonsiorawski**) and JP 2003-168811 (**Tanaka**).

Applicants respectfully traverse this rejection, for the following reasons.

In the subject application, Figure 9 is not described using the term: "Prior Art."

As discussed in detail in section A above, Figure 9 does not constitute "Applicant's Admitted Prior Art."

Accordingly, Applicants respectfully submit that this rejection of claim 13 is improper and should be withdrawn.

E. The Examiner has rejected claims 1-5, 9, 10, and 13 on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-22 of U.S. Patent No. 7,754,962 (**Okamoto '962**) in view of **AAPA**.

Applicants respectfully traverse this rejection, for the following reasons.

In the subject application, Figure 9 is not described using the term: "Prior Art."

As discussed in detail in section A above, Figure 9 does not constitute "Applicant's Admitted Prior Art."

Accordingly, Applicants respectfully submit that this rejection of claims 1-5, 9, 10, and 13 is improper and should be withdrawn.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the Applicants respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP

Darren Crew
Attorney for Applicants
Reg. No. 37,806

DC/kn

Atty. Docket No. **060659**
4th Floor
1420 K Street, N.W.
Washington, D.C. 20005
(202) 659-2930

23850
PATENT & TRADEMARK OFFICE